IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 301 OF 2006

Dilip Ramchandra Bhole .. Petitioner

Vs.

The State of Maharashtra and ors. .. Respondents

Mr. N.N. Gawankar with Mr. Arfan Sait for Petitioner.
Ms. P.H. Kantharia, APP for State.

CORAM : B. H. MARLAPALLE &
SMT. R.S. DALVI,JJ.

Date : February 28, 2006.

P.C.:

1. Heard Mr. Gawankar with Mr. Sait, the learned counsel for the petitioner and Ms. Kantharia, APP for State.

2. By the impugned order dated 8/11/2005 petitioner's application for furlough leave came to be rejected on the sole ground that initially when he was released on parole, he did not report for almost 9 years. Mr. Gawankar submitted that the said ground was not available to the respondent no.3 while passing the impugned order.

3. Our attention has been invited to the fact that in the year 1999 the petitioner was released on

18/9/1999 and he surrendered on 3/10/1999, in the year 2000 he was released on 22/1/2000 and he surrendered on 22/5/2000, in the year 2001 he was released on 29/5/2001 and he surrendered on 13/6/2001 and in the year 2002 he was released on 19/1/2002 and he surrendered on 30/1/2002. Out of the four instances of leave granted from the year 1999 to 2002, on three occasions he was released on leave by the jail authorities whereas in the year 2001 he was released in obedience of the order passed by this court. The petitioner again approached this court in Criminal Writ Petition No.319 of 2003 and by the order dated 13/3/2003 he was released on furlough leave for the period from 3/5/2003 to 18/5/2003 i.e. for two weeks. The petitioner was again released for two weeks from 15/9/2004 to 30/9/2004 by the respondent no.3.

4. It is also admitted that from 1999 to 2004 whenever the petitioner was released on leave he has surrendered to the jail in time i.e. immediately on expiry of the leave period and, therefore, by following the same reasoning set out in the order dated 13/3/2003 passed by this court, we direct the respondent nos.2 and 3 to release the petitioner on furlough leave for a period of two weeks commencing from 20/3/2006 on the same terms and conditions as were followed when he was released pursuant to the

same order dated 13/3/2003.

5. Petition disposed off in terms of the above order.

(Smt.R.S. Dalvi,J.) **(B.H. Marlapalle, J.)**